

Pro Se 7 (12/15) Complaint for Employment Discrimination

UNITED STATES DISTRICT COURT

for the

District of

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

2016 SEP -9 PM 12:40

OFFICE OF THE CLERK

Cindy Krueger

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Signs & Shapes Int'l Inc.:

Scott Bowen - co-owner

Jeff Schulte - manager

Dee Ann Bowen - Sr. Sales Manager

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

8:16CV425

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☐ Yes ☐ No

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

Cindy Krueger

1501 Safari Drive

Saint Joseph Buchanan

MO 64506

605-376-4593

ninesrule@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 7 (12/15) Complaint for Employment Discrimination

Defendant No. 1

Name Scott Bowen
 Job or Title (if known) co-owner, Signs & Shapes Int'l, Inc.
 Street Address 2320 Paul Street
 City and County Omaha Douglas
 State and Zip Code ~~68102~~ NE 68102
 Telephone Number 402-331-3181
 E-mail Address (if known) scott@walkaround.com

Defendant No. 2

Name Jeff Schulte
 Job or Title (if known) manager, Signs & Shapes Int'l, Inc.
 Street Address 2320 Paul Street
 City and County Omaha Douglas
 State and Zip Code NE 68102
 Telephone Number 402-331-3181
 E-mail Address (if known) _____

Defendant No. 3

Name Dee Ann Bowen
 Job or Title (if known) Sr. Sales Manager, Signs & Shapes Int'l, Inc.
 Street Address 2320 Paul Street
 City and County Omaha Douglas
 State and Zip Code NE 68102
 Telephone Number 402-331-3181
 E-mail Address (if known) _____

Defendant No. 4

Name _____
 Job or Title (if known) _____
 Street Address _____
 City and County _____
 State and Zip Code _____
 Telephone Number _____
 E-mail Address (if known) _____

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name

Signs & Shapes Int'l, Inc.

Street Address

2320 Paul Street

City and County

Omaha

Douglas

State and Zip Code

NE

68102

Telephone Number

402-331-3181

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Other federal law (specify the federal law):



Relevant state law (specify, if known):

The tort of intentional infliction of emotional distress



Relevant city or county law (specify, if known):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (check all that apply):

- ① + ② ☒ Failure to hire me. They had two open positions I was qualified for.
 ③ ☒ Termination of my employment.
☐ Failure to promote me.
☐ Failure to accommodate my disability.
☐ Unequal terms and conditions of my employment.
 ④ ☒ Retaliation.

included in ① ☒ Other acts (specify): perceiving my rheumatoid arthritis as a disability,
 (Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.) therefore I was a significant risk and liability.

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

Failure to hire = April 2015, July 20, 2015 / Termination = July 20, 2015 / Retaliation = July 20, 2015, Aug, 2015, March 15, 2016 / other = April, 2015, July 20, 2015 and

C. I believe that defendant(s) (check one):

- ☒ is/are still committing these acts against me.
☐ is/are not still committing these acts against me.

many times in last couple years of employment.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

- ☐ race _____
☐ color _____
☒ gender/sex _____
☐ religion _____
☐ national origin _____
☐ age (year of birth) _____ (only when asserting a claim of age discrimination.)
☒ disability or perceived disability (specify disability)

① the mentioning of having rheumatoid arthritis
 ② Knowing I was waiting for cancer diagnosis

E. The facts of my case are as follows. Attach additional pages if needed.

① Failure to hire = I had been helping in shipping as I came to → OVER PLEASE

shipping experience. They told me they'd be hiring someone (April, 2015) and I explained I was willing to do that job.

They flat out told me NO. Then they hired Kyle.

Before he was hired, when "heavy" items came in I could always hear Dee Ann and Scott mention "gather up the guys" or we need the "guys" to help. If I was helping in shipping, Jeff would often mention to me not lifting or moving certain

items. I was not sure if this was because I was a FEMALE

or because they knew I had rheumatoid arthritis & feared risk/liability.

② Failure to hire = } I was supposedly let go because ~~the~~ part of my job slowing
③ Termination = } down, however they had been interviewing for someone
to do some administrative work (part 1), which I

had done when I was first hired and a few times throughout my seven years. That type of work slowed ~~the~~ down and another part (part 2) of my job got busier, so I was used to changing tasks accordingly. Instead of allowing me to help again with part 1 because part 2 slowed down, I was let go, and they hired someone off the street. After I was let go (July 20, 2015), I received a job posting (August 8, 2015) through a jobsite where my resume was on file. It was a posting by Signs & Shapes Int'l Inc. that was very closely matching the original post I applied to when I was hired by them in 2008. I felt nothing but mental anguish, emotional distress & confusion as to why they wouldn't have just allowed me this position. Dee Ann, Scott & Jeff were those involved in interviews of the above mentioned person "off the street" versus allowing me to change tasks as in the past. Scott & Jeff were the two that let me go. Dee Ann was involved with asking about my test/results for cancer she knew when my results were to come to me & during that wait is when Scott & Jeff let me go.

SEE NEXT PAGE PLEASE

(4) Retaliation = I often mentioned out loud that I felt discriminated against. I feel voicing my concern was part of why I was let go. I have reason to believe there are illegal voice recorders in the Signs & Shapes workplace as many times if I was discussing this concern with friends, Dee Ann, Scott or Jeff would appear to interrupt the conversation, and I would then often receive the cold shoulder from them. This has continued when SEE BACK OF PAGE →

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

June 1, 2016

- B. The Equal Employment Opportunity Commission (check one):

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on (date)

6/13/16

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Back pay of \$12,800; loss of IRA contributions, the tort of intentionally inflicting emotional distress by letting me go knowing I was waiting for cancer diagnosis, knowing I am the fourth person they inflicted this tort on, (they let go/fired one gal when her mom was terminally ill, another gal after her Dad died from cancer & another right after purchasing a house),

I stopped in to visit friends (Aug. 2015) & more recently March 15, 2016. The first visit Scott says he doesn't want the workplace to become a former employee hangout then the next visit he was somewhat rude in telling me I can't come back to visit. I have friends there & often pass through town, it is very distressing and weighs very heavy on me as to the real, true reason why they won't let me in to see friends.

For liability reasons, I believe, Scott asked me to step outside on both visits. This is another reason I think they have voice recorders, otherwise why wouldn't he just talk to me by door when I was leaving. My thoughts are he knows they are illegal, he knows a request to have them pulled is possible through proper authorities ~~that~~ therefore he's careful to be sure the "wrong" things aren't recorded.

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being told during my visit (Aug. 2015) ^{by Scott} that they didn't want the work place to become former employee hang out & then at my March 15, 2016 visit being told by Scott "I told you last time you can't come in here" ~~not knowing why but being~~

VI. Certification and Closing

are all emotional distressing situations causing mental anguish, as will be possible lawyer and court fees so request \$25,000 for punitive damages.

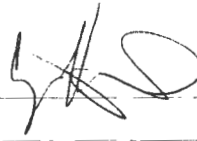
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 9/8/16

Signature of Plaintiff
Printed Name of Plaintiff


Cindy Krueger

B. For Attorneys

Date of signing: _____

Signature of Attorney
Printed Name of Attorney
Bar Number
Name of Law Firm
Street Address
State and Zip Code
Telephone Number
E-mail Address

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC </div> <div style="text-align: right;"> 563-2016-01342 </div> </div>	
Nebraska Equal Opportunity Commission and EEOC <small>State or local Agency, if any</small>			
Name (Indicate Mr., Ms., Mrs.) Cindy J. Krueger		Home Phone (Incl. Area Code) (605) 376-4593	
Date of Birth 01-16-1968			
Street Address 1501 Safari Drive		City, State and ZIP Code Saint Joseph, MO 64506	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name SIGNS AND SHAPES INTERNATIONAL, INC.		No. Employees, Members 15 - 100	
Phone No. (Include Area Code) (402) 331-3181			
Street Address 2320 Paul Street, Omaha, NE 68102		City, State and ZIP Code	
Name		No. Employees, Members	
Phone No. (Include Area Code)			
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; flex-wrap: wrap;"> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> RACE</div> <div style="margin-right: 10px;"><input type="checkbox"/> COLOR</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> SEX</div> <div style="margin-right: 10px;"><input type="checkbox"/> RELIGION</div> <div style="margin-right: 10px;"><input type="checkbox"/> NATIONAL ORIGIN</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> RETALIATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> AGE</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> DISABILITY</div> <div style="margin-right: 10px;"><input type="checkbox"/> GENETIC INFORMATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> OTHER (Specify)</div> </div>		DATE(S) DISCRIMINATION TOOK PLACE <div style="display: flex; justify-content: space-between;"> <div> Earliest 07-20-2015 </div> <div> Latest 07-20-2015 </div> </div> <div style="text-align: center; margin-top: 10px;"> <input type="checkbox"/> CONTINUING ACTION </div>	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p> I was told that I was being let go because they had no work for me as the Service Coordinator. There were at least two positions they were trying to fill that I was qualified to perform and could have been moved to but I was not considered. They hired a male for one of the positions. They knew that I have a disability and I believe that I was let go and not considered for the vacancies because of my disability. ^{many times} One day I was talking to a co-worker about discrimination and one of the owners showed up and interrupted our conversation. I found that very suspicious. I believe that I was retaliated + harassed against because they heard me discussing discrimination with a co-worker. </p> <p> I believe that I have been discriminated against in violation of Title VII of the Civil Rights Act of 1964, as amended, and the Americans with Disabilities Act of 2008, by being let go and not considered for any vacant positions. </p> <p style="text-align: right; margin-right: 50px;"> <i>And an African American woman was also allowed to help in shipping</i> </p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
<div style="display: flex; justify-content: space-between;"> <div> 6/1/16 Date </div> <div> Charging Party Signature </div> </div>		<div style="text-align: right;"> 2016 JUN -5 AM 9:57 DATE </div>	

DISMISSAL AND NOTICE OF RIGHTS

To: **Cindy J. Krueger**
1501 Safari Drive
Saint Joseph, MO 64506

From: **Kansas City Area Office**
Gateway Tower II
400 State Avenue, Suite 905
Kansas City, KS 66101

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

563-2016-01342

Samuel D. James,
Investigator

(913) 551-6612

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

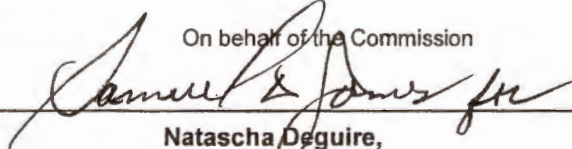
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


Natascha Deguire,
Area Office Director

6/9/16

(Date Mailed)

Enclosures(s)

cc:

SIGNS AND SHAPES INTERNATIONAL, INC.
2320 Paul Street
Omaha, NE 68102